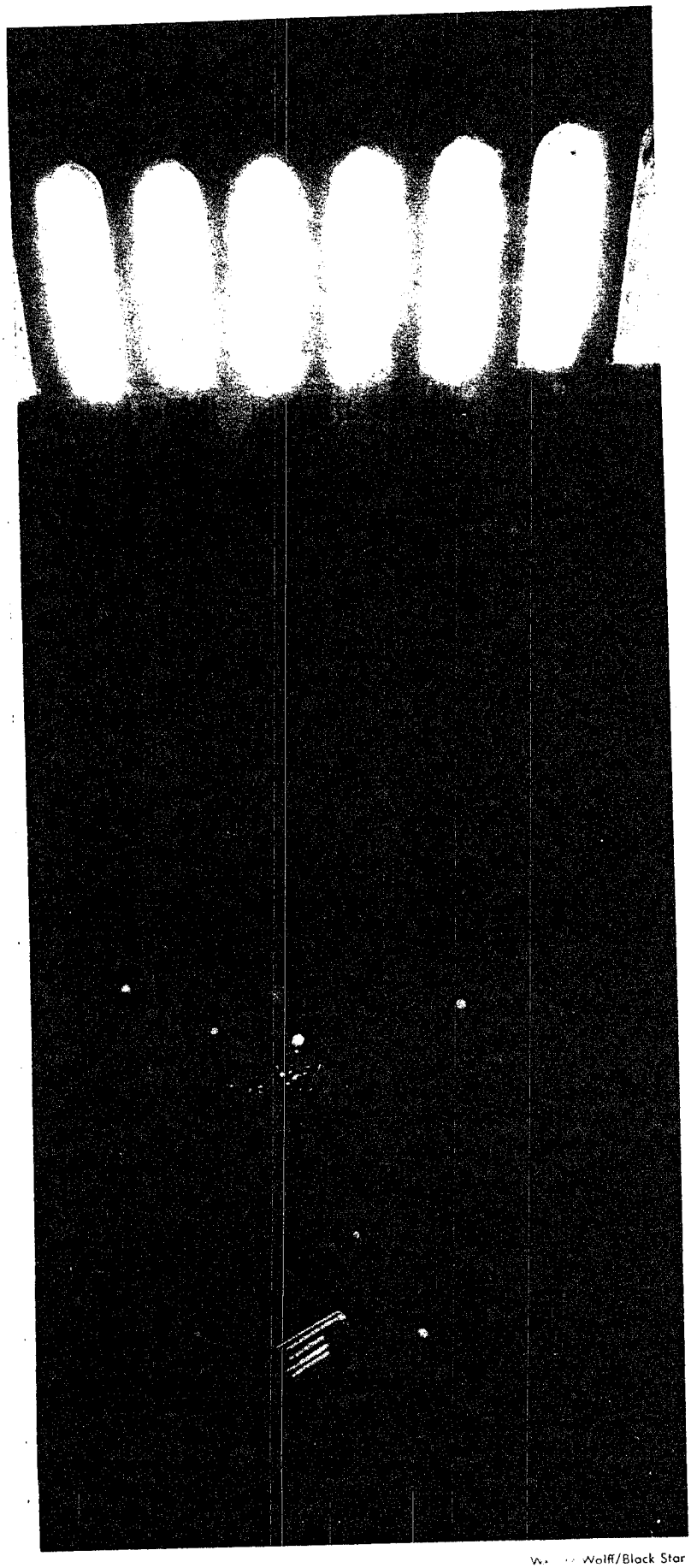


W... Wolff/Black Star

Final tribute to John F. Kennedy.

Congress and the

The Curious Politics of the Hous
Murders of John F. Kennedy an

by George Lardner, Jr.

Washington

ON NOVEMBER 26, 1963, just four days after the assassination of President John F. Kennedy, the deputy attorney general of the United States, Nicholas deB. Katzenbach, sent an urgently worded memo to the White House.

"The public," Katzenbach wrote, "must be satisfied that Oswald is the assassin; that he did not have confederates who are still at large; and that the evidence was such that he would have been convicted at trial."

Beyond that, the Justice Department's acting chief (under the grieving Robert F. Kennedy) wrote: "Speculation about Oswald's motivation ought to be cut off, and we should have some basis for rebutting thought that this was a Communist conspiracy or (as the Iron Curtain press is saying) a right-wing conspiracy to blame it on the Communists."

It is now more than 13 years since Katzenbach set down those notions as though they were fact. The Warren Commission enshrined them as history after an excessively hurried and secretive investigation. Today they are more suspect than ever precisely because the government of the United States tried to shove them down the public's throat.

Why was it so important that Lee Harvey Oswald be convicted in the public mind as the lone assassin? Why should speculation about his motives have been "cut off"? Why should the government have been looking, especially at that early date, for rebuttals of the thought that a conspiracy—of the left or of the right—was to blame?

To calm the body politic? Perhaps. To head off demands for an invasion of Cuba? Maybe. Or was it to spare the sensibilities of the Kennedy family, particularly Robert F. Kennedy, who knew quite well that "they" (the Kennedy administration) had been trying to dispose of someone (Cuban premier Fidel Castro) who may have, in turn, decided to dispose of at least one of them?

The House of Representatives last fall appointed a select committee to try to answer those questions and more. Indeed, if it had been only the Kennedy murder at issue, the investigation would never have been approved. It took the pressure of the congressional Black Caucus and its somewhat belated discovery of unexplained circumstances surrounding the killing of Dr. Martin Luther King, Jr., to get the inquiry under way.

Unfortunately, once it was approved, the committee provided immediate cause for some serious misgivings. It showed a penchant for the very secrecy it deplored in the Warren Commission. Some of its most prominent members had left themselves open to charges of bias. And—as we shall see further along—members of the committee staff displayed, at least at the outset, what might best be described as a ham-handed appreciation of the Bill of Rights.

Source: Saturday Review
FEB 1977

Assassinations

Inquiry into the Martin Luther King, Jr.

Moreover, the House Select Committee on Assassinations was asking for more money than had been allotted to any congressional investigation in history. Not surprisingly, it began the new year with a far more fragile backing than it had enjoyed last September, when the House established the committee by a vote of 280 to 65.

Congressional support had been much more lukewarm before that. Despite increasing public skepticism about the official version of the President's assassination, the House Rules Committee, with the obvious backing of the Democratic leadership of the House, had, as recently as last spring, spurned attempts to reopen the investigation.

The proposals had been simmering since early 1975, when Rep. Henry Gonzalez (D-Tex.) and Rep. Thomas N. Downing (D-Va.) introduced separate resolutions calling for a congressional inquiry. Gonzalez, a sad-faced Texan who was in the Dallas motorcade—and who is still certain he heard only three shots fired—says his doubts were fanned in 1973 by the Watergate scandal.

"You saw the head of the FBI destroying documents," he recalls. "You had all of a sudden this motley array of ex-CIA characters. Certain things began to percolate in the back of my mind."

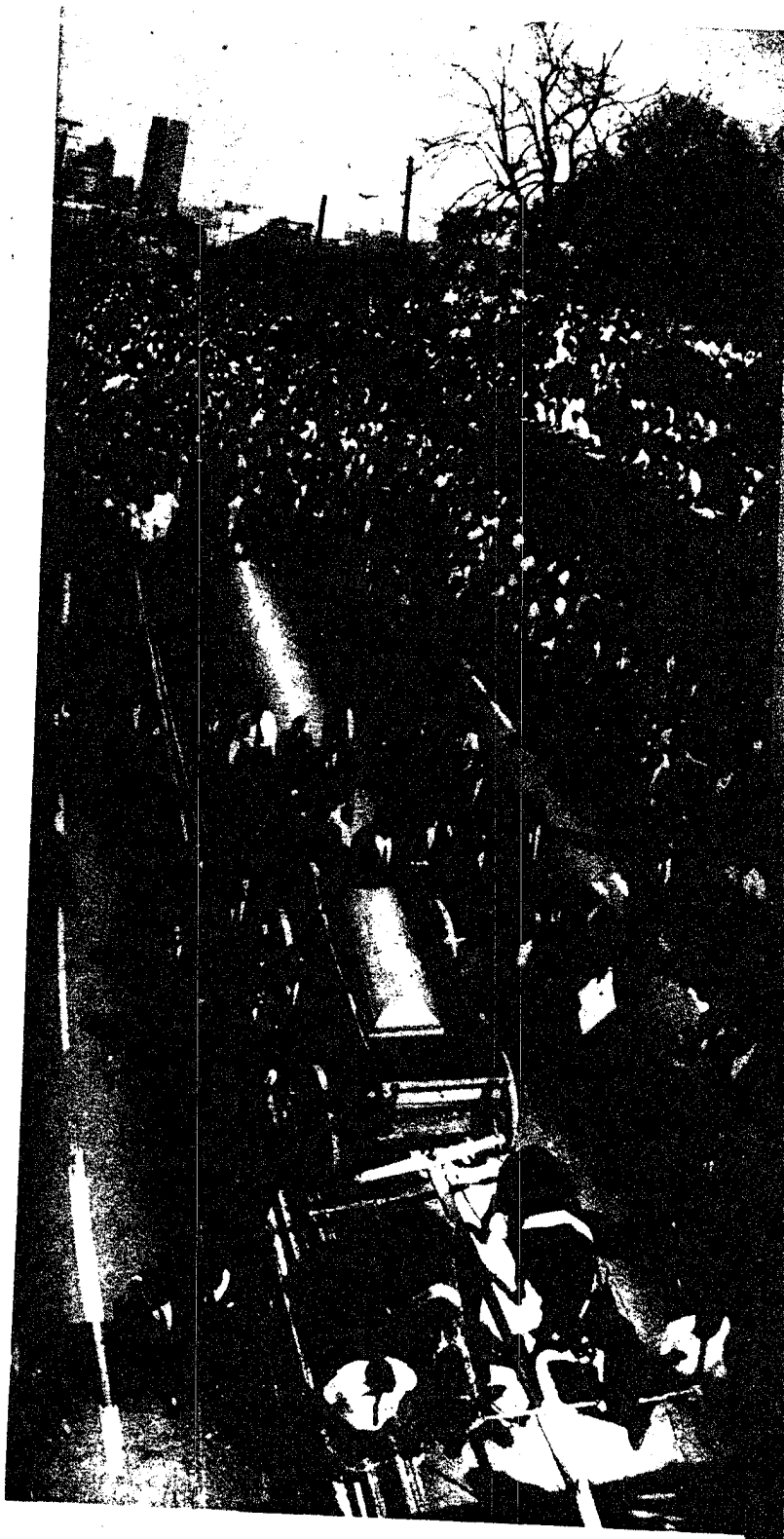
Downing's interest was aroused after he saw the Zapruder film of the JFK shooting at a Capitol Hill showing that Downing's son, a law student at the University of Virginia, helped to arrange after seeing it himself.

"When the Warren Report came out," Downing says, "and it said this man fired five shots in four-point-eight seconds with deadly accuracy on a moving target two hundred fifty feet away, I had doubts." (The report said the shots were fired "in a time period ranging from approximately 4.8 to 7 seconds.") "But those were different times," Downing continues. "I felt the Warren Commission had done the work and I decided that if that was their conclusion, I would buy it."

The Zapruder film jolted him, as it has so many others who have seen it. Medical experts have said that the violent backward and leftward motion of the President's body immediately after the fatal shot to his head was not really inconsistent with a bullet's being fired from the rear—from the Texas School Book Depository—but laymen who have seen the film often find this difficult to accept.

"The film had an impact on me, more so than it did on the other members who watched it with me," Downing says. "As I saw the physical reaction of the body to the shots, this impressed me."

The general reaction to the Gonzalez and Downing resolutions was little better than a yawn. "Most of the coverage I got was in the foreign press—to my surprise, particularly in England," says Gonzalez, whose resolution called for



Declan Haun/Black Star

Last long march with Martin Luther King, Jr.

investigating the assassinations of the Kennedys and Martin Luther King, Jr., as well as the attempted assassination of Governor George Wallace.

Persistent lobbying built up support. Mark Lane, the outspoken and controversial critic of the Warren Commission, began campaigning from a Capitol Hill headquarters under the banner of his Citizens Commission of Inquiry. "We

"Why was it so important that Lee Harvey Oswald be convicted in the public mind as the lone assassin? Why should speculation about his motives have been 'cut off'?"

helped generate more than three quarters of a million telegrams and letters to members of Congress," he declares. "We met with members, too, such as Representative Joe Moakley [D-Mass.] on the Rules Committee. He said Tip O'Neill [then House majority leader] told him more than a year ago not to get involved with the Downing or Gonzalez resolutions."

According to Lane, a committee of 25 people in the Cambridge-Boston area was quickly organized. It collected almost 3,000 signatures and changed Moakley's mind, Tip O'Neill notwithstanding. On another occasion, Lane flew to San Francisco to mount pressure against Rep. Phillip Burton (D-Calif.), who, Lane charged, said he would "never allow a vote on this unless Teddy Kennedy says okay."

Finally, Gonzalez says he approached House Speaker Carl Albert (D-Okla.). The result was a hearing before the House Rules Committee last March 31, but the votes weren't there, either for Gonzalez's four-pronged inquiry or for Downing's bill to conduct an investigation of the President's assassination alone.

Rep. B. F. Sisk (D-Calif.) called the whole thing a waste of money and vowed to do whatever he could to kill it. But the most influential role was played by Rep. Richard Bolling (D-Mo.), who was reflecting the wishes of O'Neill and the Kennedy family. Borrowing a line from Mark Lane, Gonzalez protested at one point that "we are talking about leaders of a country, not members of a family," but to no avail. The Rules Committee decided to shelve the entire matter "indefinitely" by a vote of 9 to 6.

Summertime produced a change. Rep. Walter E. Fauntroy (D-D.C.), a key member of the Black Caucus, happened to be in Atlanta in July for a workshop of the Martin Luther King Center for Social Change (Fauntroy is chairman of the board; Mrs. Coretta King is president). Television producer Abby Mann happened to be there, too, working on a documentary about King for NBC. Mann had just come from Memphis, where he'd been interviewing various people about the King assassination in the company of his good friend, the ubiquitous Mark Lane.

"He asked to talk to me about some things he'd run into," (in Memphis, where King was killed April 4, 1968) Fauntroy says. These things had been known previously, even publicized in articles earlier that year by Les Payne of *Newsday*, but they were news to Fauntroy and, he says, galvanized him. They dealt with the sudden removal from King's side of one of two black detectives assigned to watch him, hours before he was shot, and with the abrupt transfer of two black firemen from the firehouse across the street from the motel where King was staying.

The orders were attributed to now retired Memphis police and fire director Frank C. Holloman, an ex-FBI official who had once worked in Director J. Edgar Hoover's office.

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On his return to Washington, Fauntroy met with other members of the Black Caucus and recommended that they press for an investigation of the King assassination, "particularly in light of the findings of the Senate Select Committee on Intelligence."

THAT committee had disclosed, months earlier, that the FBI had attempted for years to discredit Dr. King in an undercover campaign that included bugging his hotel rooms and even sending an anonymous blackmail letter that King took as a suicide suggestion. The Senate panel, headed by Sen. Frank Church (D-Idaho), also concluded in a separate report last June that senior officials of both the CIA and the FBI covered up crucial information in the course of investigating President Kennedy's assassination. The Church committee said it had not uncovered enough evidence during its understaffed investigation to support a conclusion that there had been a conspiracy to assassinate the President; but it emphasized that the "investigative deficiencies" it had turned up were substantial enough to raise grave doubts about the Warren Commission's work and to justify continued congressional investigation.

The Senate establishment showed no inclination to follow up that invitation. In the House, meanwhile, any further inquiry was presumed dead—until the Black Caucus perked up on behalf of Dr. King. This time, Rep. Bolling, who had decided to run for House majority leader, was much more receptive. He helped Fauntroy persuade Speaker Carl Albert and Tip O'Neill to approve the new committee. Meetings were held. Coretta King appeared at one get-together with Albert to emphasize the importance of the inquiry. House Republican Leader John Rhodes (R-Ariz.) was consulted and gave his blessings. The final resolution, calling for an inquiry into the deaths of John F. Kennedy and Martin Luther King, Jr., went through with the speed of legislative light. With Bolling leading the way, the House Rules Committee approved the bill on September 15 by a turnaround vote of 9 to 4. The full House gave its approval two days later. Within a few days, Albert named the 12 members of the panel, including, by prior arrangement, Fauntroy and three other members of the Black Caucus. Downing was made chairman and Gonzalez was named vice-chairman, with the understanding that he would take over the full committee in the new Congress after Downing retired.

CONGRESS, to be sure, does not usually investigate homicides, but the same may be said of third-rate burglaries. Public support for the investigation would appear to be solid enough. A Gallup poll in December showed that a large majority of Americans, 80 percent, now believe that more than one person was involved in the Kennedy assassination. Only 52 percent felt that way in November of 1963, when Katzenbach wrote his memo. Regarding the King murder, 69 percent are now similarly convinced that more than one individual was behind the civil-rights leader's slaying.

Some of the House committee's opening moves, however, were inauspicious and even inept. Incredibly, the first chairman, Downing, sought to hire as chief counsel a man who had publicly and prominently taken sides in both murders. The candidate, Washington lawyer Bernard Fen-

...1963 The Chicago ...
...courtesy of Wi... ...Bill Mauldin

...wald, head of the private Committee to Investigate Assassinations, had not only denounced the Warren Report as a "fairy tale," but had also served five years as a defense lawyer protesting the innocence of one James Earl Ray.

After Fensterwald wisely declined the offer, Downing and his aides momentarily turned to Mark Lane, but Lane said he wanted no part of the job, realizing that his appointment would also destroy any congressional pretensions of objectivity. Lane recalls that at one point last fall "Downing told me he was considering two people: Bud Fensterwald and me. I said either one would be a tragedy."

The final choice was, in many ways, quite a catch: Richard A. Sprague, an aggressive, tough-minded lawyer who had made a career in the Philadelphia district attorney's office and a national reputation with his successful prosecutions for the 1969 murders—assassinations, really—of United Mine Workers leader Jock Yablonski and his family.

But there were minuses, too. Sprague and Downing were far from candid when asked by reporters how the Philadelphian came to get the job. Details soon came out: Lane and a friend had come up with his name; Lane had traveled twice to Philadelphia to sound Sprague out; Lane evidently was the first to suggest Sprague's appointment to members of the committee. None of that should be taken to mean that Sprague is not his own man, but the sequence of events still left the nagging impression that the chief counsel of the House Select Committee on Assassinations thought he could, and should, pick and choose what facts he wanted to make public—and suppress those he didn't.

The issues that aroused the House of Representatives on convening last month for the first session of the Ninety-fifth Congress were less arcane. It had been told, last spring, that the cost of the investigation "would not exceed $500,000." Now, at Sprague's behest, the committee was seeking $6.5 million for the first year alone. He was also proposing to spend some of the money on some highly questionable items, such as two Psychological Stress Evaluators (about $4,000 each) and two "mini-phone recording devices" (about $2,200 each).

According to a report by the House Government Operations Committee last year, tests conducted several years ago by Fordham University for the Department of the Army concluded that the Psychological Stress Evaluator "produced valid results in less than one third of the tests administered and that its reliability was less than pure chance." The mini-phone recording devices, essentially tiny transmitters that could be hidden in the clothing of committee investigators, seemed to indicate that surreptitious tape recordings might be made of the remarks of unsuspecting witnesses, but Sprague denied any such intent. He said the gadgets would simply enable committee investigators to communicate with one another during "certain surveillance activities," such as tailing witnesses.

The plans triggered a series of protests from Rep. Don Edwards (D-Calif.), an ex-FBI agent who is also chairman of the House Subcommittee on Constitutional Rights. He warned the Assassinations Committee that some of the proposed techniques, even when explained à la Sprague, might irrevocably taint the inquiry. "A congressional investigation," Edwards wrote to Gonzalez, "is not, and should never be, a game of cops and robbers." Meanwhile, House Administration Committee chairman Frank Thompson, Jr. (D-N.J.), was crisply rejecting other proposed purchases that had come dribbling in from the Assassinations Committee while Downing was still in charge. One request was for permission to buy seven suction-cup devices designed for recording telephone conversations. Another was for authority to install "transmitter cutoff arrangements for listening-in purposes on two of the committee telephones."

To his credit, Gonzalez quickly disavowed any telephone gimmickery and insisted that the committee had no intention of indulging "in a temporary suspension of the Bill of Rights," as Edwards had suggested it did. At the same time, Sprague issued a memo instructing all committee staffers that no one was to be tape-recorded without his knowledge, either in face-to-face interviews or over the phone.

As of this writing, the expectation is that the House will want to keep the new committee on a short tether. Rather than handing it a full year's budget, some members would prefer to provide the inquiry with only a few months' operating funds at a time and then ask the committee to justify its need for more. Such an approach might crimp the committee's plans for a year of far-flung travel (a proposed $1.8 million worth), but the cutback might be salutary.

"Basically, it seems to me that before they start running all over the world, they've got to decide whether there was more than one gunman involved in the Kennedy assassination," said David Belin, former Warren Commission lawyer, who called for a new investigation more than a year ago in light of all the evidence that had been withheld about the plots to kill Castro. "Before you get to exotic things," Belin points out, "you've still got to get to the basic question of who the murderer was. And on that question, there's a lot of physical evidence available, a lot of witnesses." ◉